

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD JOSEPH MCNATT,	)	
Petitioner.	)	
	)	
vs.	)	C.A.No. 05-124 Erie
	)	
JUDGE OLIVER J. LOBAUGH,	)	
Respondent.	)	

APPLICATION FOR AN IMMEDIATE HEARING ON ACTUAL INNOCENCE  
ON THE PENDING PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, Edward Joseph McNatt, pro se, hereby moves for an immediate hearing on his actual innocence claim on his pending Petition For Writ of Habeas Corpus and represents:

1. Petitioner has an appeal pending before this Court from his judgement of sentence for forgery and theft by deception.

2. Petitioner has filed a petition for writ of habeas corpus with this Court seeking justice on actual innocence, double jeopardy, malicious prosecution, and ineffective assistance of counsel violations.

3. Respondent's, filing an answer to petitioner's writ of habeas corpus in this Court, agreed that the crimes on docket CP183/1998 occurred on August 7, 1997.

4. Petitioner has produced evidence that he has in fact, been incarcerated since July 20, 1997 to the present date. On July 20, 1997, petitioner was arrested in Lackawanna County, Pennsylvania where he went before the Magistrate and bail was set at \$50,000.00. Petitioner could not post bail. See enclosed.

5. Petitioner's maximum release date on all other cases imposed is October 20, 2005.

6. Petitioner is arguing, and has submitted proof to this Court of his actual innocence and is in fear that, if this issue is not heard immediately, he will remain incarcerated for a crime he could not have committed.

WHEREFORE, for each of the foregoing reasons, it is requested that this Court grant an immediate hearing on the pending issue of actual innocence in petitioner's pending writ of habeas corpus.

Signed this 5th day of September, 2005.

Respectfully Submitted,

*Edward Joseph McNatt*  
Edward Joseph McNatt,  
Petitioner, pro se

**COURT OF COMMON PLEAS OF LACKAWANNA COUNTY****DOCKET**

Docket Number: CP-35-CR-0001446-1997

**CRIMINAL DOCKET**

Court Case

Commonwealth of Pennsylvania

v.

Edward Joseph McNatt

Page 1 of 5

**CASE INFORMATION**Judge Assigned:

OTN: F0211956

Initial Issuing Authority:Case Local Number Type(s)  
Legacy Docket NumberDate Filed: 08/07/1997Lower Court Docket No: CR-0000183-97Final Issuing Authority: Joseph S ToćzydłowskiCase Local Number(s)  
1997-1446**STATUS INFORMATION**Case Status:

Closed

Processing Status:

Migrated Case

Case Next Events:

**DEFENDANT INFORMATION**Year Of Birth:

1969

City/State/Zip: Houtzdale, PA 16698-1000Alias Name

McNatt, Edward J.

**CASE PARTICIPANTS**Participant Type

Defendant

Name

McNatt, Edward Joseph

**BAIL INFORMATION**

McNatt, Edward Joseph

Bail ActionDateBail TypePercentageAmountBail Posting StatusPosting Date

Set

07/20/1997 Monetary

\$50,000.00

## 3. SENTENCE STRUCTURE

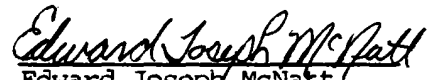
<b>Commitment Credit</b> 02-09-97 to 02-19-97, 07-20-97 to 10-30-97				
Item	Computation 1	Computation 2	Computation 3	—
Indictments Included	CR183/1998 CR182/1998	CP1446/1997 CP312/1997 CR168/1996		
Effective Date	10/20/1998	08/04/1997		
Expiration of Minimum	06/20/2001	01/04/2000		
Expiration of Maximum	10/20/2010	08/04/2003		
Custody for Return - PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum - PV				
Sentence Computation Date	12/07/2002	12/07/2002		
Basis for Computation	Initial	Initial		
Total Sentence	2y8m - 12y	2y5m - 6y		
Status	Active	Active		

P R O O F O F S E R V I C E

I, Edward Joseph McNatt, petitioner, pro se, hereby certify that on this 5th day of September, 2005, I caused to be served a true and correct copy of the foregoing document titled Application for an Immediate Hearing on Actual Innocence on the pending Petition for Writ of Habeas Corpus by First Class Mail to the following:

MARIA BATTISTA KERLE, ESQ.  
Assistant District Attorney  
Attorney of Record  
Venango County Courthouse  
Franklin, PA 16323

Signed this 5th day of September, 2005.

  
Edward Joseph McNatt,  
Petitioner, pro se

Dear Clerk:

Find enclosed, an original of my Application for an Immediate Hearing on Actual Innocence on the Pending Petition for Writ of Habeas Corpus, as well as a proof of service.

Signed this 5th day of September, 2005.

Edward Joseph McNatt  
Edward Joseph McNatt,  
Petitioner, pro se  
DL-6772  
P.O. Box 1000  
Houtzdale, PA 16698